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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,140	09/30/2003	Christopher Evans	19111.0126	3825
23517	7590	03/27/2006	EXAMINER	
SWIDLER BERLIN LLP 3000 K STREET, NW BOX IP WASHINGTON, DC 20007			MAHMOOD, REZWANUL	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/673,140	Applicant(s) EVANS ET AL.	
	Examiner Rezwanul Mahmood	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it contains multiple paragraphs and refers to Figure 2.
2. Correction is required. See MPEP § 608.01(b).
3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The disclosure is objected to because of the following informalities:
5. In page 9 line 5, "Common Tale Expression" should be "Common Table Expression.
6. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

9. In claim 2 line 2-4, "preventing removal of a table from the list if this table is part of a join chain" does not match with the invention described in Figure 2. No prior art has been applied to the claim until the 35 U.S.C. 112 rejection has been properly amended.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 1-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question whether the claim is directed merely to an abstract idea that is not tied to a environment or machine which would result in a practical operation producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Levine (US Patent 6,640,221).

14. With respect to claim 1, Levine discloses a method of preventing execution of unnecessary joins between tables in a database, the method comprising the steps of:

- a. presenting a Structured Query Language (SQL) statement to the database, the SQL statement having a scope that extends to a set of tables in the database and returning a set of results from the database (Levine: Abstract, lines 1-14; Column 4, lines 1-28; Figure 6);
- b. preparing a list of tables that are within the scope of the SQL statement but that are not referred to by the SQL statement (Levine: Column 4, lines 11-16);
- c. removing tables that must be accessed in order to return the set of results from the list in accordance with a predetermined set of rules (Levine: Column 4, lines 11-28); and,

- d. preventing execution of joins involving any of the tables remaining in the list (Levine: Column 4, lines 11-28; since the tables required by the query are selected from the list, it is inherent that unselected tables are prevented from participating in the joins).

The Levine reference teaches about selecting joins which inherently prevents unnecessary joins between tables.

15. With respect to claim 3, Levine discloses a method according to claim 1, wherein the predetermined set of rules includes a rule allowing removal of a table from the list if this table forms the detail table in a join between a master table and a detail table (Levine: Column 4, lines 11-28; Figures 1-3, and 6-8; all the required tables are selected, inherently allowing removal of any table that forms the detail table in a join between a master table and a detail table).

16. With respect to claim 4, Levine discloses a method according to claim 1, wherein the predetermined set of rules includes a rule allowing removal of a table from the list if detail item values might not exist in a master table joined to a detail table (Levine: Column 4, lines 11-28; Figures 1-3, and 6-8; all the required tables are selected, inherently allowing removal of any table if detail item values might not exist in a master table joined to a detail table).

17. With respect to claim 5, Levine discloses a method according to claim 1, wherein

the predetermined set of rules includes a rule allowing removal of a table from the list if that table has a mandatory filter (Levine: Column 4, lines 11-28; Figures 1-3, and 6-8; all the required tables are selected, inherently allowing removal of any table that has a mandatory filter).

18. With respect to claim 6, Levine discloses a method according to claim 4, wherein the predetermined set of rules further includes a rule preventing removal of a table from the list that would otherwise be allowed, if the join is an outer join on a master table (Levine: Column 4, lines 11-28; Figures 1-3, and 6-8; all the required tables can be selected and also the type of join can be specified, inherently allowing or preventing removal of any table if the join is a outer join on a master table).

19. With respect to claim 7, Levine discloses a method according to claim 5, wherein the predetermined set of rules further includes a rule preventing removal of a table from the list that would otherwise be allowed, if the join is an outer join on a master table (Levine: Column 4, lines 11-28; Figures 1-3, and 6-8; all the required tables can be selected and also the type of join can be specified, inherently allowing or preventing removal of any table if the join is a outer join on a master table).

20. With respect to claim 8, Levine discloses a computer program comprising computer program code means adapted to perform the steps of claim 1 when said program is run on a computer (Levine: Column 5, lines 26-30).

21. With respect to claim 9, Levine discloses a computer program product comprising program code means stored on a computer readable medium for performing the method of claim 1 when said program product is run on a computer (Levine: Column 5, lines 32-37).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Gutierrez-Rivas reference (US Patent 6,553,371) teaches about selecting table joins..

Contact Information

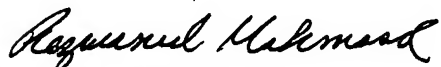
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rezwanul Mahmood whose telephone number is (571)272-5625. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SAM RIMELL
PRIMARY EXAMINER